

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LISA L. RODARTE,)
) CASE NO. C14-0093-JCC-MAT
Plaintiff,)
)
v.)
)
CAROLYN W. COLVIN, Acting) REPORT AND RECOMMENDATION
Commissioner of Social Security,)
)
Defendant.)
_____)

Plaintiff brought this action to seek judicial review of the denial of an application for disability benefits by the Commissioner of the Social Security Administration. The parties now stipulate this case should be reversed and remanded for further proceedings. (Dkt. 24.)

Based on the stipulation of the parties, the Court recommends this case be REVERSED and REMANDED for a *de novo* hearing and further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, this case will be assigned to a new Administrative Law Judge (ALJ) who shall: (1) reevaluate the materiality of plaintiff's substance abuse and provide rationale that explains the periods of sobriety and the mental

01 impairments that were present during that time; (2) re-evaluate all severe impairments,
02 including plaintiff's alleged fetal alcohol syndrome; (3) reconsider the medical evidence of
03 record, specifically the opinions of Drs. Bledsoe, Dees, and McDuffee, provide the weight
04 accorded to the opinions, and, if rejecting the opinions, provide specific and legitimate reasons
05 for doing so; (4) reassess plaintiff's residual functional capacity; (5) reevaluate plaintiff's
06 credibility and subjective complaints; and (6) obtain supplemental vocational expert testimony
07 to determine what impact, if any, plaintiff's impairments would have on her ability to perform
08 work-related activities at steps four and five of the sequential evaluation process. Also, upon
09 proper request, plaintiff may be entitled to reasonable attorney fees and costs pursuant to 28
10 U.S.C. § 2412.

11 The Court recommends that United States District Judge John C. Coughenour
12 immediately approve this Report and Recommendation and order the case REVERSED and
13 REMANDED for further administrative proceedings pursuant to sentence four of 42 U.S.C. §
14 405(g). A proposed order accompanies this Report and Recommendation.

15 DATED this 30th day of September, 2014.

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18 Mary Alice Theiler
19 Chief United States Magistrate Judge
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